IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.16834 of 2007
MD.TASLEEM
Versus
STATE OF BIHAR & ANR
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3 17.9.2008 Heard Sri S.R.Sharan the learned counsel for the petitioner and Sri Abdul Mannan Khan the learned counsel for O.P. No. 2 as also Sri Jharkhandi Upadhaya, the learned A.P.P. for the State.

The petitioner who is the husband of O.P. No. 2 has prayed for quashing of order dated 6.1.2007 passed by the learned Presiding Judge, Fast Track Court No. IV, Khagaria, in Cr. Revision No. 80 of 2006 whereby he has enhanced the maintenance awarded to O.P. No. 2 from Rs. 500/- per month to Rs. 1000/- per month.

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The submission on behalf of the petitioner is that although O.P. No. 2 is his first wife and he is liable to maintain her yet he has a second wife with four sons and two daughters also to support but his income is not such as to permit him to give so much maintenance to O.P. No. 2. It is also submitted that O.P. No. 2 with the major son were not ready to reside with him at Delhi and preferred to remain in his village home and that an area of 1 bigha, 10 katha and 10 dhurs of land had been given to her son Shah Alam for the maintenance of himself and the mother by a registered deed. It was also submitted that there was no reason for the revisional court to enhance the amount of maintenance.

The revision had been preferred by O.P. No. 2 who felt that the learned Magistrate had not considered all aspects of the matter

before awarding the maintenance.

The revisional court having considered all aspects of the matter and having heard the submission of the parties was of the opinion that the amount awarded as maintenance was not sufficient for O.P. No. 2 to maintain herself and thus enhanced the amount.

The revisional court is empowered to enhance the amount of maintenance if the situation so demands. For cogent reasons assigned the revisional court has enhanced the amount of maintenance and I find no fault therewith. The inability of the petitioner to maintain both the families with his earnings is his own creation. In the face of his alleged financial stringency, he ought to have been more careful in begetting children and taken remedial measures.

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In the facts and circumstances of the case there is no merit in this application which is dismissed.

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Spd/- **(Abhijit Sinha, J.)**